

- 6 -

Remarks

Entry of this Amendment is respectfully requested upon submission of an RCE as suggested and agreed to by with the Examiner in a telephone interview with the undersigned attorney.

Claims 8, 9 and 20-24 were previously allowed. Claim 8 has been amended to place in better form.

Claim 19 is canceled as subject matter of Claim 19 is now present in base Claim 1.

Claims 1-4, 6, 10, 15-19 and 25-26 were rejected as being anticipated by Stevens, U.S. Patent No. 5,078,722. Claim 1, as amended, describes an instrument having a shaft with an opening at the distal end thereof to outside of the instrument, and a blade movable through the opening of the shaft to cut tissue outside of the instrument.

The Examiner contends that cutting member 52 of Stevens represents the blade of Claim 1. The cutting member 52 is described at column 3, lines 1-10, in Stevens as being positionable within catheter cavity 50. See also FIG. 2 showing that cutting member 52 is confined to positions in cavity 50 of tube 74. As a result, in order for tissue to cut by Stevens cutting member 52 such tissue must also extend via opening 20 into cavity 50. Thus, Stevens has neither the opening, nor blade of Claim 1, since there is no opening to the outside of Steven's catheter 10 through which its cutting member 52 can extend.

Claim 25, as amended, describes a blade movable to extend out of a shaft to cut tissue when present outside of the instrument, and a guide member which guides movement of the blade out of the shaft. For reasons argued above, Steven fails to describe that its cutting member 52 is movable to cut tissue outside of its instrument. Further, there is no guide member in Stevens to guide movement of its cutting member 52 out of its interior cavity 50 to cut tissue when present outside of the instrument.

Thus, Claims 1 and 25, along with their dependent Claims 2-4, 6, 10, 15-19, and 26 cannot be anticipated by Stevens.

Claims 5 and 7 were rejected as being unpatentable over Stevens in view of Sauer et al., U.S. Patent No. 5,562,694 ("Sauer"). Claims 5 and 7 depend on Claim 1, and as Sauer fails to describe or suggest that argued above as being absent in Stevens, Claims 5 and 7 cannot be obvious in view of the combination of Stevens and Sauer.

- 7 -

Claim 27 is added to the Application. Claim 27 further describes the shaft of Claim 25 as having an opening to outside of the instrument, and that the blade extends out of the shaft through such opening to cut tissue outside of the instrument which neighbors the guide member.

Reconsideration of the rejected Claims is respectfully requested.

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Respectfully submitted,



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